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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,492	03/14/2001	Shigeho Ogawa	450100-03064	3619
20999	7590	01/25/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/808,492	Applicant(s) OGAWA ET AL.	
	Examiner Linh Son	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is written in responding to the Amendment received on October 7th, 2004.
2. Claims 1-17 are pending. Claims 6-17 are added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman et al, US Patent No. 6216228B1, hereinafter "Chapman".**

5. As per claims 1-2 and 4-5, the previous rejection is maintained. Further, Chapman does teach the "fetching means by the user" limitation in (Col 6 lines 39-48, and Col 7 lines 41-54). The identification information is the decoder key (Col 4 lines 31-40, and Col 7 lines 18-55). The permission condition is the classification code (Col 7 lines 30-40).

6. As per claim 3, the previous rejection is maintained.

7. As per claims 6, same rejection basis of claim 1 is applied.

8. Claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman in view of Wehrenberg, US Publication No. 20030126445A1.

9. As per claim 7, the rejection basis of claim 1 is incorporated. Chapman does teach the permission condition, which is viewing condition by the classification code (Col 7 lines 30-55). However, Chapman does not teach another permission that would have a higher weight than the viewing permission. Nevertheless, Wehrenberg does teach "the secret key encrypted in the watermark for content protection", which does have the capability to supercede the viewing permission (Para 0084). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to incorporate the secret key with the classification code to have multiple security feature to protect the content and at the same time providing the correct content to the viewer.

10. As per claims 8-9 and 13-14, the rejection basis of claim 1 is incorporated. However, Chapman does not teach the recording medium identification as the password. Nevertheless, Wehrenberg discloses the "Method and Apparatus for copy protection" invention, which includes a "secret key" to authenticate the permission of the recording medium (Para 0084). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to modify the Chapman's

invention to incorporate the "secret key" to maximize the protection of the digital works on the recording medium.

11. As per claims 10 and 15, Chapman teaches "the method according to claim 8, wherein the permission condition includes a parental level" in (Col 1 lines 36-40).

12. As per claims 11 and 16, Chapman and Wehrenberg teaches "the method according to claim 8". However, Chapman does not teach "the determining an ejection condition; and requiring the user to provide the valid password to initiate playback of the particular recording medium following the eject condition". Nevertheless, this feature is included in Wehrenberg's invention (Para 0069-70, and 0086). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to incorporate this feature to protect the recording medium being played or recorded.

13. As per claims 12, 14, and 17, the rejection basis of claims 8 and 10 is applied.

Response to Amendment

14. Applicant argued that nothing has been found in the cited portions of U.S. Patent No. 6216228 that would teach or suggest a user inputting identification information and a user inputting a permission condition, as recited in amended claim 1. Nevertheless, Chapman does include these features completely in (Col 7 lines 41-54). The user can

input the classification code that will determine what content can be viewed. The identification code is the decoder code that would allow to view or not to view the content (Col 4 lines 31-40, and Col 7 lines 18-55).

15. As per claim 6, the user programmable viewing permission information, input by a user, is the parental control feature (Col 1 lines 35-40, classification code). The code is can be input by a user (Col 7 lines 41-54).

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion


1. Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-271-3856.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIR.I system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pzr-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Linh LD Son

Patent Examiner


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SUPERVISORY PATENT EXAMINER
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